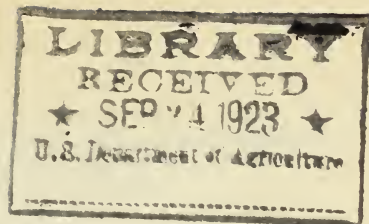


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United States Department of Agriculture,

Service and Regulatory Announcement No. 79.

(AGRICULTURAL ECONOMICS.)

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RULES AND REGULATIONS

OF THE

SECRETARY OF AGRICULTURE

GOVERNING

THE INSPECTION AND CERTIFICATION  
OF BUTTER, CHEESE, AND EGGS

UNDER AN ACT OF CONGRESS

APPROVED FEBRUARY 26, 1923

(PUBLIC No. 446, 67TH CONGRESS).

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ISSUED SEPTEMBER, 1923.

By virtue of the authority vested in the Secretary of Agriculture by the following provisions of an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924," approved February 26, 1923 (Public 446, 67th Congress),

For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruits, vegetables, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

I, C. F. MARVIN, Acting Secretary of Agriculture, do prescribe and promulgate the following rules and regulations governing the inspection and certification of butter, cheese, and eggs, to be in force and effect on and after July 1, 1923, until amended or superseded by rules and regulations hereafter prescribed and promulgated under said law.



In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, this 30th day of June, 1923.

C. F. MARVIN,  
*Acting Secretary of Agriculture.*

**REGULATIONS OF THE SECRETARY OF AGRICULTURE  
GOVERNING INSPECTION AND CERTIFICATION  
OF BUTTER, CHEESE, AND EGGS.**

**Regulation 1. Definitions.**

**SECTION 1.** Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

**SECTION 2.** For the purpose of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

Paragraph 1. *The act.*—The following provisions of an act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924," approved February 26, 1923 (Public No. 446, 67th Cong.): "For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruits, vegetables, poultry, butter, hay and other perishable farm products, when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered: *Provided*, That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained."

Paragraph 2. *Person.*—Individual, association, partnership, or corporation.

Paragraph 3. *Secretary.*—Secretary or Acting Secretary of Agriculture of the United States.

Paragraph 4. *Bureau.*—Bureau of Agricultural Economics of the United States Department of Agriculture.

Paragraph 5. *Inspector.*—Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the quality and condition of butter, cheese, or eggs under the act.

Paragraph 6. *Inspection certificate.*—Certificate of the quality or condition or both of butter, cheese, or eggs by an inspector under the act.

Paragraph 7. *Regulations.*—Rules and regulations of the Secretary under the act.

**Regulation 2. Administration.**

**SECTION 1.** The chief of the bureau is charged with the supervision of the performance of all duties arising in the administration of the act.



### Regulation 3. Where Service is Offered.

SECTION 1. Butter, cheese, or eggs may be inspected for the purposes of the act at points indicated in paragraphs 1, 2, and 3 of this section whenever an inspector is available.

Paragraph 1. *Shipping points*.—Inspections may be made wherever butter, cheese, or eggs are offered for interstate shipment, including farms, factories, warehouses, loading platforms, wagons, trucks, railway cars, boats, vessels, and other places where these products are handled, kept, or stored.

Paragraph 2. *Designated markets*.—Boston, Chicago, New York, Philadelphia, San Francisco, and Washington are hereby designated as important central markets. Other important central markets at which inspectors are available will be designated by the Secretary from time to time.

Paragraph 3. *Other points*.—Inspections may be made at any point near a designated market under conditions provided in regulation 6 to the extent permitted by the time of inspectors who are available for inspections at such other points.

### Regulation 4. Inspection.

SECTION 1. *Forms of inspection*.—Inspections may be either for quality or condition or for both quality and condition.

Paragraph 1. *Basis of inspections*.—Inspections for quality and condition shall be based upon such standards and grades and be made under such conditions and in accordance with such methods as may be prescribed or approved by the Chief of Bureau of Agricultural Economics.

SECTION 2. *Who may obtain inspection*.—An application for inspection of butter, cheese, or eggs under the act may be made by a State, or by any person having a financial interest in the butter, cheese, or eggs involved, including the shipper, the receiver, or the carrier, or by any authorized person in behalf of such applicant.

SECTION 3. *How inspection may be obtained*.—Application for inspection of butter, cheese, or eggs under the act may be made in writing or orally, by telegraph, telephone, or otherwise. Such application may be made to any inspector. If made orally, the inspector may require that it be confirmed in writing.

SECTION 4. *Form of application*.—Application for inspection of butter, cheese, and eggs, under the act, shall be in English and shall include the following information: (a) the date of application; (b) the identification and location of the product to be inspected; (c) the name and post-office address of the applicant and of the person, if any, making the application in his behalf; (d) the interest of the applicant (except the State) therein; (e) the name, post-office address, and interest of all other known parties, except carriers, interested in the butter, cheese, or eggs involved; (f) the shipping point and destination of the product; (g) the purpose of the inspection; and (h) such other information as the inspector may require.

SECTION 5. *When an application may be withdrawn*.—An application for inspection may be withdrawn by the applicant at any time before the inspection is made upon payment of any expenses incurred in connection therewith.

SECTION 6. *When an inspection may be refused*.—Inspection may be refused by the inspector with whom an application is filed if the

application does not comply with the act or any regulation thereunder.

SECTION 7. *Certificate for each lot inspected.*—The inspector shall sign and issue a separate certificate for each lot of butter, cheese, or eggs inspected by him.

SECTION 8. *Original and copies of certificate.*—The original inspection certificate, immediately upon its issuance, shall be delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the inspector, one copy forwarded to the chief of the bureau, and, if the shipper is known and is not the applicant, one copy shall be delivered or mailed to him. Copies will be furnished to other financially interested persons on request.

SECTION 9. *Advance information.*—Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed or telephoned to him at his expense.

#### Regulation 5. Reinspections.

SECTION 1. *When a reinspection may be had.*—Whenever the original applicant or other interested party has reason to believe that the quality or condition of a lot of butter, cheese, or eggs on which an inspection certificate has been issued does not conform to the condition, quality, or grade stated in such certificate, he may make application for a reinspection, provided the application is made before the close of the third business day following the date of the inspection and before the identity of the original lot of butter, cheese, or eggs inspected has been lost.

SECTION 2. *How to obtain reinspection.*—Application for reinspection of butter, cheese, or eggs under the act may be made in writing, or orally, by telegraph, telephone, or otherwise. Such application may be made to (a) any inspector, or (b) the chief of the bureau. If made orally, the person receiving the application may require that it be confirmed in writing. Such application shall give the reasons therefor and shall be accompanied by the inspection certificate previously issued on the lot, if it is in the possession of the applicant.

SECTION 3. *When an application for reinspection may be withdrawn.*—An application for reinspection may be withdrawn by the applicant at any time before the reinspection is made, upon payment of any expenses incurred in connection therewith.

SECTION 4. *When a reinspection may be refused.*—If it shall appear that the reasons stated in an application for reinspection are frivolous or unsubstantial, or that the quality or condition of the butter, cheese, or eggs has undergone a material change since the last previous inspection or reinspection, or the identical butter, cheese, or eggs can not be made accessible for inspection, or the act or these regulations have not been complied with, the application may be refused, and the applicant shall be notified the same day, by telegraph or in writing, of the reason for such refusal, and a statement of such action shall be included in the record of such application by the official making the same. Upon the dismissal or withdrawal of an application for reinspection, any inspection certificate filed therewith shall be immediately returned to the person by whom filed, or delivered upon his written order.

SECTION 5. *Certificate for reinspection.*—The inspector making a reinspection shall sign and issue a "Reinspection certificate," referring specifically to all previous inspection and reinspection certificates, and stating the quality and condition of the butter, cheese, or eggs as found on the last inspection or reinspection. In all other respects the provisions of regulation 4 shall apply to such reinspection certificates, except that copies of the reinspection certificate shall be sent to all interested parties, if known, other than the carriers, and to such of them as have been the applicants for any former inspection or reinspection.

SECTION 6. *Extension of time.*—Upon satisfactory showing of evidence of fraud, or that on account of distance the time of filing is insufficient, or other good cause, the person mentioned in section 3 of this regulation, to whom the application for reinspection is made, may permit the filing of such application after the time prescribed therefor in these regulations, and a statement of such action shall be included in the record of such reinspection by the official making the same.

#### Regulation 6. Fees and Charges.

SECTION 1. *Fees and charges.*—The fees and charges to be collected for each lot of butter, cheese, or eggs inspected or reinspected at shipping points, designated markets, and other points shall be as follows, unless otherwise specifically provided in supplemental schedules subsequently furnished the inspector by the Secretary:

Paragraph 1. *Butter inspection fees.*—For each lot of butter inspected for quality and condition pursuant to these regulations, except under section 2 of this regulation, the fee shall be on the basis of the approximate net weight of the butter in such lot, as follows:

(a) When each separate churning is not indicated by number or otherwise on the packages—

For 1,500 pounds or less.....	\$1.00
For more than 1,500 pounds but not more than 3,000 pounds.....	1.50
For more than 3,000 pounds but not more than 6,000 pounds.....	2.00
For more than 6,000 pounds but not more than 10,000 pounds.....	2.50
For each additional 10,000 pounds or fraction thereof beyond 10,000 pounds an additional amount of.....	.50

(b) When each separate churning is indicated by number or otherwise on the packages—

For seven churnings or less.....	\$1.00
For each additional churning beyond seven an additional charge of.....	.10

Paragraph 2. *Cheese inspection fees.*—For each lot of cheese inspected for quality and condition pursuant to these regulations, except under section 2 of this regulation, the fee shall be based on the gross number of packages of cheese in such lot, as follows:

(a) When each separate factory vat number is not indicated by number or otherwise on the packages—

For 25 packages or less.....	\$1.00
For more than 25 packages but not more than 50 packages.....	1.50
For more than 50 packages but not more than 100 packages.....	2.00
For more than 100 packages but not more than 200 packages.....	2.50
For each additional 100 packages or fraction thereof an additional amount of.....	.50



(b) When each separate factory vat number is indicated by number or otherwise on the packages—

For seven vats or less-----	\$1. 00
For each additional vat number beyond seven an additional charge of-----	. 10

Paragraph 3. *Egg inspection fees.*—For each lot of eggs inspected for quality and condition, pursuant to these regulations, except under section 2 of this regulation, the fee shall be based on the gross number of packages in such lot, as follows:

For 25 packages or less-----	\$1. 00
For 26 to 50 packages, inclusive-----	1. 50
For 51 to 100 packages, inclusive-----	2. 00
For 101 to 200 packages, inclusive-----	3. 00
For 201 to 350 packages, inclusive-----	4. 00
For 351 to 500 packages, inclusive-----	5. 00
For additional 100 packages or fraction thereof an additional charge of-----	. 50

Paragraph 4. *Fees for inspection for condition only.*—For each lot of butter, cheese, or eggs inspected for condition only, pursuant to these regulations, except under section 2 of this regulation, the fees and charges made shall be based upon the time actually required in making the inspection at the rate of \$2 per hour.

Paragraph 5. Fees for reinspections shall be three times those for original inspections, except that when it was found that there was a material error in the determination based upon the original inspection no fee will be charged.

Paragraph 6. Such further charges may be made for traveling expenses and other items paid or incurred by the Department of Agriculture, in connection with an inspection or reinspection made at a place where a food-products inspector is not located, as will reimburse the department.

SECTION 2. An inspector may of his own motion and without the use of any force, when authorized by the chief of the bureau, investigate the quality and condition of any food products at such points as are provided under regulation 3, and may issue and transmit to the shipper of such food products and other parties interested therein certificates or copies thereof showing the results of such investigations.

SECTION 3. *Payment of fees.*—The fees or charges for each inspection and reinspection shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the inspector and in advance if required by the inspector. Fees and charges for inspections and reinspections made by inspectors who are employed exclusively by the Department of Agriculture shall be remitted promptly to the disbursing clerk of the Department of Agriculture. Fees for inspections or reinspections made by an inspector acting under a cooperative agreement with a State or other agency as may be due the United States shall be remitted to the disbursing clerk of the Department of Agriculture. The chief of the bureau will cause to be returned to the person entitled thereto any money remitted in excess of the amount due the United States and to be deposited in the Treasury as miscellaneous receipts all moneys found to be due the United States.

## Regulation 7. Miscellaneous.

SECTION 1. *Publications.*—Publications under the act and these regulations shall be made in Service and Regulatory Announcements of the Bureau of Agricultural Economics and such other mediums as the chief of the bureau may from time to time designate for the purpose.

SECTION 2. *Receipt of papers to be recorded.*—The butter, cheese, or egg inspector or any other official of the department receiving any paper accepted for filing shall note thereon or on a record kept for the purpose the place and date of its receipt.

SECTION 3. *Butter, cheese, or eggs must be accessible.*—The applicant shall cause the butter, cheese, or eggs for which inspection or reinspection is requested to be made accessible for examination and to be so placed as to disclose its quality and condition. This includes opening of such number of packages in the lot as the inspector considers necessary for a thorough inspection of the lot.

SECTION 4. *Order in which inspections will be made.*—As many inspections and reinspections shall be made as facilities will permit and as far as practicable in the order in which applications are received except that reinspections shall take precedence over inspections.

SECTION 5. *Authority of agents.*—Proof of authority of any person applying for inspection on behalf of another may be required in the discretion of the inspector.

SECTION 6. *Certificate superseded shall not represent the quality, condition, or grade of butter, cheese, or eggs.*—When an inspection certificate shall have been superseded under these regulations by a reinspection certificate such inspection certificate shall not thereafter represent the quality, condition, or grade of the lot of butter, cheese, or eggs described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for reinspection is filed, the officer issuing the reinspection certificate shall forward notice of the issuance of such reinspection certificate and cancellation of the original certificate to such persons or firms as he considers necessary to prevent fraudulent use of such previously issued certificates.

SECTION 7. *Misrepresentation.*—Any misrepresentation or any deceptive or fraudulent practice made or committed by an applicant for inspection or reinspection may be deemed sufficient cause for debarring such person from any further benefits of the act for definite or indefinite period to be determined by the chief of the bureau, and in case of violation of the food and drugs act of June 30, 1906, may subject the shipper to prosecution and the butter, cheese, or eggs to seizure.